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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/596,070

12/11/2006

Herbert Schrefl

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1474

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EXAMINER

HALPERN, MARK

ART UNIT

PAPER NUMBER

1791

NOTIFICATION DATE

DELIVERY MODE

04/03/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com  
pto@gbpatent.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/596,070	<b>Applicant(s)</b> SCHREFL ET AL.	
	<b>Examiner</b> Mark Halpern	<b>Art Unit</b> 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 3/16/09.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 10-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-17 and 23-25 is/are rejected.
- 7) ☒ Claim(s) 18-22, 26-28 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                        |                                                                   |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/19/07</u> .                                                | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1) Applicant's election without traverse of invention I, drawn on claims 10-28, in the reply filed on 3/16/09 is acknowledged.

Non-elected invention claim 29 is cancelled.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2) Claims 10-14, 16-17, 23-25, are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Branyon (4,915,787).

Claims 10, 23-25: Branyon discloses a papermaking machine where paper web P travels in the direction of the arrow (see Figure 2) over suction roll A having a

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perforated cylindrical shell C which rotates around suction box B disposed centrally within the cylindrical shell. The suction box includes slots 10 and 12 constructed near the outside edges of suction box B connected to a source, extending across the width of the suction box. The perforated cylindrical shell C reads on the claimed perforated cylindrical covering. The slots 10 and 12 read on the claimed sealing elements. The suction box B and the associated slots 10 and 12 read on the claimed pressure area sealed by sealing elements (cols. 3-4 and Figures 1-5). The slots 10 and 12 are non-contactingly disposed near an inner wall of the cylinder, or in the least, it would have been obvious to one skilled in the art at the time the invention was made, that the slots 10 and 12 are non-contactingly disposed near an inner wall since the claim does not recite a distance between the inner wall of the cylinder and the sealing element; also the Specification recites in [0038] that the distance between the sealing elements and the cylinder covering may be less than one millimeter.

Claim 11: the distance between the cylinder inner wall and the sealing element is less than 1 mm.

Claim 12: the distance between the cylinder inner wall and the sealing element is less than 300 mm.

Claim 13: the distance between the cylinder inner wall and the sealing element is less than 50 mm.

Claim 14: the distance between the cylinder inner wall and the sealing element is constant.

Claims 16-17: the sealing element extends axially as shown in Figures 1, 2.

3) Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Branyon in view of Brendel (5,141,238). Branyon is applied as above for claim 10, Branyon does not disclose that a sealing element varies in the circumferential direction. Brendel discloses a roll and sealing arrangement where the sealing element varies in the circumferential direction as shown in Figure 2. It would have been obvious to one skilled in the art at the time the invention was made to combine the teachings of Branyon and Brendel because such a combination would provide improved sealing control as disclosed by Brendel.

***Allowable Subject Matter***

4) Claims 18-22, 26-28, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The primary reason for indicating allowable subject matter is that the cited prior art does not show: a cylinder of claim 10, wherein the sealing element extends in a circumferential direction along a majority or the entire inner wall (claims 18-21); a cylinder of claim 10, including an adjusting element structured and arranged to pivot the sealing element in a radial direction (claim 22); a cylinder of claim 24, wherein the sealing element extends in a circumferential direction along an entirety of the inner wall

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(claim 27); a cylinder of claim 24, wherein the sealing element defines the pressure compartment (claim 28); a cylinder of claim 25 that includes four adjusting elements structured and arranged as claimed (claim 26).

### ***Conclusion***

5) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Halpern whose telephone no. is 571-272-1190.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571-272-1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Mark Halpern/  
Primary Examiner  
Art Unit 1791